

### **REMARKS/ARGUMENTS**

The rejections presented in the Office Action dated June 13, 2007 (hereinafter Office Action) have been considered, but reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant appreciates the indication of allowance for Claim 41.

Without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter and in an effort to facilitate prosecution, Applicant has amended independent Claims 1, 25, 28, 35, 38, 43, 45 and 46 to more explicitly characterize that the information about the location of the mobile device is transmitted in response to the transmitting of speech and/or data by the mobile device whose location information is being transmitted. The independent claims have also been amended to characterize that the mobile device receives a response acknowledgement about the location of at least one of the users of the predefined group. Support for these changes may be found in the instant Specification, for example, at paragraphs [0032], [0034] and [0055]; therefore, these changes do not introduce new matter. The above claims and various dependent claims have also been amended for reasons related to readability and antecedent basis where such changes were not made for reasons related to patentability and were not intended to narrow the scope of the claims. Applicant submits that each of the claims is patentable over the cited references for the reasons discussed below.

With respect to the §112 rejection of Claims 1 and 25, the above-discussed changes include the removal of the objected-to language; therefore, the rejection is rendered moot. Applicant accordingly requests that the rejection be withdrawn.

With respect to each of the prior art rejections (§§102(b) and 103(a)) based at least in part upon the teachings of U.S. Patent No. 6,867,733 to Sandhu *et al.* (hereinafter "Sandhu"), Applicant maintains that Sandhu does not teach or suggest each of the claimed limitations. For example, Sandhu does not teach transmitting, with speech and/or data, information about the location of a mobile device in response to the transmitting of speech

or data, as now claimed in each of the independent claims. The cited portions of Sandhu at column two indicate that location data is encapsulated and initially transmitted in an outbound package to a service provider. Also, the teachings referred to in column eight at page two of the Office Action identify that mobile devices may respond to each other (exchange messages) such that the asserted transmitting of location information “in response to transmitting of speech and/or data” would involve a mobile device transmitting location information in response to another device’s transmitting of speech and/or data (messages exchanged). However, the claims (using Claim 1 as an example) indicate that the information about the location is transmitted with the speech/data where it is the transmission of such speech/data that the information about the location is being transmitted in response to. Therefore, the claimed transmitted speech and/or data as well as the information about the location are transmitted from the same device. Each of the pending independent claims has been amended to more explicitly characterize that the same mobile device transmits both the claimed speech/data and information about the location. No teachings have been identified in Sandhu that location data is transmitted in response to such a transmission initiated by the same device. As Sandhu does not teach or suggest each of the now-claimed limitations, Applicant requests that the §102(b) rejection of Claims 25, 38, 45 and 46 be withdrawn.

With respect to the §103(a) rejection set forth in paragraph five of the Office Action, Applicant has assumed that the reference to U.S. Patent No. 5,544,225 was in error. The rejection identifies a reference by Kinnunen *et al.* with the patent number 5,544,225; however, the ‘225 reference is by Kennedy III *et al.* Consistent with previous rejections Applicant has reviewed the rejection as if it were based upon U.S. Patent No. 6,813,501 by Kinnunen. If this assumption is incorrect, Applicant requests further explanation and the opportunity to respond.

With further respect to the §103(a) rejections based upon a combination of Sandhu with the teachings of U.S. Patent No. [6,813,501] to Kinnunen *et al.* (hereinafter “Kinnunen”), Applicant maintains that the asserted references alone, or in combination, do not teach or suggest each of the claimed limitations. In addition to the above-discussed

limitations which Kinnunen has not been shown to overcome, Sandhu also does not teach a mobile device including information regarding a method in which the location was determined with the claimed transmitted location information as acknowledged at page six of the Office Action. The reliance upon Kinnunen fails to overcome at least this deficiency of Sandhu because Kinnunen teaches that a location server attaches the source of the location information (column 8, lines 62-65) and not that a mobile device attaches such information. Therefore, the fact remains that neither of the asserted references teaches that a mobile device includes information regarding a method with which the location was determined with the location information, as claimed, for example, in independent Claims 1, 28, 35 and 43. Thus, any combination of these references must also fail to correspond to the claimed invention. Applicant accordingly requests that each of the §103(a) rejections be withdrawn.

Dependent Claims 2-24, 29-34, 36, 37, 39 40 and 44 depend from independent Claims 1, 28, 35 and 43, respectively. Each of these dependent claims also stand rejected under 35 U.S.C. §103(a) as being unpatentable over at least the above-discussed combination of Sandhu and Kinnunen. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with independent Claims 1, 28, 35 and 43. These dependent claims include all of the limitations of their respective base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP §2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-24, 29-34, 36, 37, 39, 40 and 44 are also allowable over the asserted combination of Sandhu and Kinnunen.

With respect to the §103(a) rejections of dependent Claims 10, 11, 13, 15, 32, 37, 16, 17, 31, 33 and 34 based upon Sandhu combined with Kinnunen, in view of U.S. Publication No. 2003/0079135 by Jones (hereinafter "Jones"); U.S. Patent No. 5,544,225 to

Kennedy III *et al.* (hereinafter “Kennedy III”); U.S. Patent No. 6,577,622 to Schuster *et al.* (hereinafter “Schuster”); U.S. Publication No. 2002/0196781 by Salovuori (hereinafter “Salovuori”); U.S. Publication No. 2003/0048806 by Haartsen (hereinafter “Haartsen”); and U.S. Patent No. 5,828,987 to Tano *et al.* (hereinafter “Tano”), respectively, Applicant respectfully traverses. As discussed above, Sandhu alone, or in combination with Kinnunen, fails to correspond to the limitations of independent Claims 1, 28 and 35 (from which Claims 10, 11, 13, 15, 32, 37, 16, 17, 31, 33 and 34 depend). The Examiner’s further reliance on Jones, Kennedy III, Schuster, Salovuori, Haartsen, and Tano does not overcome the above-discussed deficiencies in the underlying combination of references. Thus, the asserted combinations of the teachings of Sandhu with Kinnunen, and Jones, Kennedy III, Schuster, Salovuori, Haartsen, and Tano do not teach each of the claimed limitations of dependent Claims 10, 11, 13, 15, 32, 37, 16, 17, 31, 33 and 34, and the rejections should be withdrawn.

With particular respect to the rejection of dependent Claim 11, Applicant further traverses because the asserted combination of references does not teach or suggest each of the claimed limitations. The Examiner acknowledges at page 11 that Sandhu and Kinnunen fail to teach at least one packet comprising information about location replacing at least one speech or data packet. The relied upon portion of Kennedy III merely teaches that the teachings of Kennedy III are applicable to satellite communication systems and packet data communications and that transmission towers and a mobile telecommunications switching office may be replaced with a satellite communications system. No teaching or suggestion that a packet comprising information about location would replace a speech or data packet has been identified. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejection of Claim 11 is improper, and Applicant requests that it be withdrawn.

With particular respect to the rejections of dependent Claims 26 and 27, Applicant maintains the traversals because the asserted combinations fail to correspond to each of the claimed limitations, as acknowledged in the Office Action. While the assertion at paragraph three of the Office Action alleges that the teachings of Kinnunen are relied upon

in making the rejections, the statements of rejection set forth at page ten of the Office Action (paragraphs six and seven) do not identify any reliance on such teachings. Therefore, the rejections as set forth in the Office Action are improper for failing to provide correspondence to each of the claimed limitations as reiterated below.

With particular respect to the rejection of Claim 26 over Sandhu in view of U.S. Patent No. 6,885,874 to Grube *et al.* (hereinafter “Grube”), Applicant respectfully traverses because the asserted combination fails to correspond to each of the claimed limitations, as acknowledged in the Office Action. Claim 26 depends from independent Claim 1. At page six of the Office Action, the Examiner acknowledges that Sandhu fails to correspond to each of the limitations of Claim 1. However, at page 16, the Office Action asserts that Sandhu teaches the limitations of Claim 26 except for the transmission of location related information being triggered by an external event detected by a sensor of the mobile device, for which such teachings Grube is relied upon. The Office Action has not shown where the asserted combination of references teaches at least, limitations directed to the location information including information regarding a method with which the location was determined, as claimed in independent Claim 1. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejection is improper, and Applicant requests that it be withdrawn.

With particular respect to the rejection of Claim 27 over Sandhu in view of Kennedy III, Applicant respectfully traverses because the asserted combination fails to correspond to each of the claimed limitations, as acknowledged in the Office Action. Claim 27 depends from independent Claim 1. At page six of the Office Action, the Examiner acknowledges that Sandhu fails to correspond to each of the limitations of Claim 1. However, at page 16, the Office Action asserts that Sandhu teaches the limitations of Claim 27 except for the transmission of location related information being triggered by a voice command or a sound, for which such teachings Kennedy is relied upon. The Office Action has not shown where the asserted combination of references teaches at least, limitations directed to the location information including information regarding a method with which the location was determined, as found in independent Claim 1. Without a presentation of correspondence to

each of the claimed limitations, the §103(a) rejection is improper, and Applicant requests that it be withdrawn.

With particular respect to the §103(a) rejection of Claim 47, Claim 47 has been canceled thereby rendering the rejection moot. Applicant accordingly requests that the rejection of Claim 47 be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

In addition new dependent Claims 48-56 have been added. Support for these claims may be found in the instant Specification, for example, at paragraphs [0024], [0025], [0039], [0054], and [0055]; therefore, these claims do not introduce new matter. Each of these new claims is believed to be patentable over the asserted references for the reasons set forth above.

Authorization is given to charge Deposit Account No. 50-3581 (NKO.034.A1) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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